

ative body. That requires orderly procedure and division of legislative labor.

Yet, this amendment, like so many others, contributes as my colleague from Missouri Senator DANFORTH once characterized it as a "Cacophony of Confusion."

The reason for this Mr. President, is that we have resorted to deciding issue after issue as a committee of the whole. We ignore our procedures so that we are able to respond to the individual agenda of 100 Senators, as a result of the life of this body has become fractions, fragmented and partisan to the point of paralysis.

The Senate cannot conduct itself—it cannot do business—as a standing committee of the whole. It is quite simply impossible and certainly inconsistent with deliberation to put every issue of importance to 1 Senator before the other 99.

Yet, that is our direction. That is where we are tending. And, Mr. President, irrespective of what I think of the merits of this measure, I would oppose it for both procedural and institutional reasons.

At some point as Senators we must say enough. We must be willing to assert that our rules and committee jurisdiction are more than matters of mere convenience that we can dismiss because our own political agenda requires it.

Legislation to ban smoking on board commercial aircraft is also unwarranted and inappropriate for other reasons. Smoking aboard aircraft is already sharply restricted; every passenger is guaranteed a no smoking seat—even if a smoking section must be reduced or eliminated to satisfy that guarantee.

A 1987 Airline Pilots Association poll determined airline passengers, by a margin of 87 to 12 percent, believe that the "current practice of separating smoking and nonsmoking passengers is a reasonable policy that respects the rights of each." Moreover, reviews of recent DOT consumer complaint reports consistently show no more than a single smoking complaint for each 1 million passengers. Smoking complaints are declining both in absolute terms and relative to all other consumer concerns.

Finally, a smoking ban would pose serious compliance problems, and significant administrative and practical problems for airlines and passengers alike.

For these and other good reasons I believe the Lautenberg language should not be accepted.

Mr. LAUTENBERG. Mr. President, I am happy to yield for a RECORD statement under the unanimous-consent agreement, provided I do not lose the floor to the junior Senator from Kentucky.

The PRESIDING OFFICER. Without objection, it is so ordered.

SMOKING BAN ON AIRLINE FLIGHTS

Mr. McCONNELL. Mr. President, I rise today to express my opposition to this amendment to ban smoking on all domestic airline flights of 2 hours or less. This amendment characterizes one of the worst tendencies of our political system—our inexorable urge to regulate, regardless of whether or not there is information to back up legislation, regardless of whether or not there is any kind of public consensus.

I sincerely wonder why this amendment has been offered—public opinion does not warrant such a ban. A recent poll conducted by the Airline Pilots Association found that 87 percent of those polled agreed that "the current practice of separating smoking and nonsmoking passengers is a reasonable policy that respects the rights of each." Complaints about smoking and air travel rank in the bottom fourth of Department of Transportation complaint categories, accounting for less than 3 percent of all complaints. Clearly those who travel on airplanes do not perceive that smoking is a serious problem. In fact, a ban on smoking on any flights would likely increase complaints of those who feel they have the right to smoke, but are told they cannot.

Our present regulations governing smoking on airlines are adequate. Currently, every passenger with reservations is guaranteed a nonsmoking seat, even if a smoking section must be reduced or eliminated to satisfy the guarantee.

One of the tenets being used to advance this amendment is that environmental smoke is a hazard. The simple fact is that there is no solid, incontrovertible evidence that this is the case. The Surgeon General's Report on Environmental Tobacco Smoke (ETS), and the National Academy of Sciences' which recommended a ban on in-flight smoking, failed to include any scientific data to conclude that ETS is harmful to nonsmokers. No scientifically valid studies have ever been conducted on airplane cabin conditions.

However, my fear for this legislation is ultimately caused by the great impact this ban will have on an important industry in Kentucky—tobacco. Tobacco is a legal crop, upon which 150,000 Kentuckians base their livelihood. The industry nationwide employs 710,000 workers, pays nearly \$19 billion in wages and accounts for nearly \$31.5 billion on our GNP. While I make a personal decision not to smoke, I do not think it is acceptable to impose restraints on those who do.

I do not think that anyone can deny that this is a serious matter which merits careful and thorough study. Both the Department of Transportation and the Air Transport Association agree definitive determinations should be made on exposure to environmental tobacco smoke aboard aircraft before a

decision is reached to ban smoking on commercial flights.

In the mad rush to legislate, the proponents of this amendment are overlooking the facts, or rather the lack of facts. There are over 150,000 individuals in Kentucky who derive their livelihood from the tobacco industry. Such smoking bans, we must realize, would directly effect this industry. The very least the Americans deserve is the knowledge that any action on this matter is well thought out, is supported by scientific evidence, is debated in the appropriate fora, and is taken only when we are convinced that this is the best possible way to address the problem, if there is a problem.

Mr. President, I encourage my colleagues to oppose the proposed ban on smoking on airlines.

AMENDMENT NO. 1098

Mr. LAUTENBERG. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from New Jersey (Mr. LAUTENBERG) proposes an amendment numbered 1098.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 57, after line 2, add the following: "(e) After the date of expiration of the 4-month period following the date of the enactment of this subsection, and for a period of 36 months less a day thereafter, except that subsections (a) and (b) shall be null and void upon the date of enactment, it shall be unlawful to smoke in the passenger cabin or lavatory on any scheduled airline flight in intrastate, interstate, or overseas air transportation, if such flight is scheduled for 2 hours or less in duration, which prohibition shall be enforced by the Secretary of Transportation, who shall issue such regulations as may be necessary to carry out the provision of this subsection, which regulations shall be authorized to include and shall include a regulation providing that any passenger who tampers with, disables, or destroys any smoke alarm device located in any restroom aboard an aircraft engaged in air transportation or intrastate air transportation shall be subject to a civil penalty in accordance with section 901 of the Federal Aviation Act of 1958 except that such civil penalty may be imposed in an amount up to \$2,000."

Mr. LAUTENBERG. Mr. President, this amendment restores the substance of the committee amendment pertaining to smoking on airlines. To be specific, it makes it unlawful to smoke on scheduled domestic flights of 2 hours or less. The amendment will accomplish all of the objectives of the amendment originally offered by the committee.